

1       **TITLE III—COMMITTEE ON**  
2       **ENERGY AND COMMERCE**  
3       **Subtitle D—Digital Television**  
4       **Transition**

5   **SEC. 3401. SHORT TITLE.**

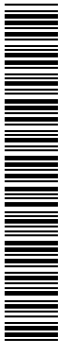
6       This subtitle may be cited as the “Digital Television  
7   Transition Act of 2005”.

8   **SEC. 3402. FINDINGS.**

9       The Congress finds the following:

10           (1) A loophole in current law is stalling the dig-  
11   ital television (DTV) transition and preventing the  
12   return of spectrum for critical public safety and  
13   wireless broadband uses.

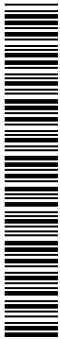
14           (A) In 1996, to facilitate the DTV transi-  
15   tion, Congress gave each full-power television  
16   broadcaster an extra channel of spectrum to  
17   broadcast in digital format while continuing to  
18   broadcast in analog format on its original chan-  
19   nel. Each broadcaster was supposed to eventu-  
20   ally return either the original or additional  
21   channel and broadcast exclusively in digital for-  
22   mat on the remaining channel.



1 (B) In 1997, Congress earmarked for pub-  
2 lic safety use some of the spectrum the broad-  
3 casters are supposed to return. Congress des-  
4 ignated the rest of the spectrum to be auctioned  
5 for advanced commercial applications, such as  
6 wireless broadband services. Congress set De-  
7 cember 31, 2006, as the deadline for broad-  
8 casters to return the spectrum for public safety  
9 and wireless use.

10 (C) A loophole, however, allows broad-  
11 casters in a market to delay the return of the  
12 spectrum until more than 85 percent of tele-  
13 vision households in that market have at least  
14 one television with access to digital broadcast  
15 channels using a digital television receiver, a  
16 digital-to-analog converter box, or cable or sat-  
17 ellite service. Experts forecast it will take many  
18 more years to meet the 85-percent test nation-  
19 wide.

20 (2) Eliminating the 85-percent test and setting  
21 a “hard deadline” will close the loophole, making  
22 possible the nationwide clearing necessary to com-  
23 plete the DTV transition and free the spectrum for  
24 public safety use.



1 (A) Some police officers, firefighters, and  
2 rescue personnel already have equipment to  
3 communicate over the spectrum the broad-  
4 casters are supposed to return, and are just  
5 awaiting the turnover. Many more public safety  
6 officials cannot purchase equipment or begin  
7 planning without a date certain for the avail-  
8 ability of the spectrum.

9 (B) Five years to the day before Sep-  
10 tember 11, 2001, an advisory committee report  
11 to the Federal Communications Commission  
12 (FCC) noted that public safety officials des-  
13 perately needed more spectrum to better com-  
14 municate with each other in times of emer-  
15 gency. The 9/11 Commission has specifically  
16 recognized the importance of clearing for public  
17 safety use the spectrum at issue here, especially  
18 following the terrorist attacks on the Pentagon  
19 and the World Trade Center. The spectrum is  
20 also important for communications during nat-  
21 ural disasters.

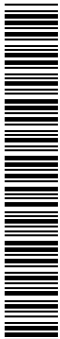
22 (3) The certainty of a nationwide hard deadline  
23 will enable consumers, industry, and government to  
24 take the necessary steps to make the transition as  
25 smooth as possible.



1 (A) Under existing law, once a market  
2 meets the 85-percent penetration test, the re-  
3 maining 15 percent of households in the market  
4 would lose access to broadcast programming  
5 unless they obtain a digital television receiver,  
6 a digital-to-analog converter box, or cable or  
7 satellite service.

8 (B) Determining when the 85-percent test  
9 in current law has been met in a particular  
10 market would be extremely difficult for the  
11 FCC to accomplish. Moreover, because no one  
12 can predict precisely when any market will meet  
13 the 85-percent test, and because different mar-  
14 kets will meet the test at different times, con-  
15 sumers, industry, and government cannot ade-  
16 quately plan on either a local or nationwide  
17 basis.

18 (C) With a hard deadline, government, in-  
19 dustry, and consumer groups can develop con-  
20 crete plans for consumer education. Manufac-  
21 turers can build large quantities of low-cost dig-  
22 ital-to-analog converter boxes for consumers  
23 who wish to continue using their analog tele-  
24 visions. Clearing the spectrum on a unified, na-  
25 tionwide basis will also enable the government



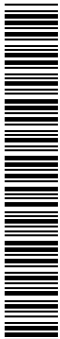
1 to maximize the revenue from the auction.  
2 Some of that revenue can be used to help make  
3 the converter boxes available.

4 (D) The deadline will have little impact on  
5 most television households. The vast majority of  
6 households already subscribe to cable or sat-  
7 ellite services. Allowing cable and satellite oper-  
8 ators to convert digital broadcasts into an ana-  
9 log-viewable format will enable their subscribers  
10 that wish to continue using analog televisions to  
11 do so.

12 (4) Setting a hard deadline will bring con-  
13 sumers and the economy the benefits of the DTV  
14 transition faster.

15 (A) DTV offers sharper and wider pic-  
16 tures, and CD-quality sound. Even consumers  
17 with analog televisions connected to a converter  
18 box or cable or satellite service will receive bet-  
19 ter service than they did before the transition.

20 (B) Once the transition is complete, broad-  
21 casters can redirect the resources they currently  
22 expend running both analog and digital stations  
23 and focus on programming that capitalizes on  
24 the advanced features of digital transmissions.  
25 Manufacturers can also increase the production



1 of televisions and other consumer electronics  
2 equipment that takes advantage of these fea-  
3 tures, which will also drive down prices.

4 (C) The cleared spectrum can be used to  
5 bring cutting-edge wireless services to public  
6 safety officials and consumers. This spectrum  
7 travels greater distances at lower costs, and  
8 more easily penetrates buildings and foliage.  
9 Consequently, it is ideal to bring mobile  
10 broadband services not only to urban areas, but  
11 to rural areas as well, which currently have very  
12 few cost-effective broadband options.

13 (D) The increase in DTV programming,  
14 services, and equipment, and the provision of  
15 products and services that use the cleared spec-  
16 trum, will improve America's global competitive-  
17 ness and result in significant investment and  
18 innovation, boosting our economy and fostering  
19 new jobs.

20 **SEC. 3403. ANALOG SPECTRUM RECOVERY: HARD DEAD-**  
21 **LINE.**

22 (a) AMENDMENTS.—Section 309(j)(14) of the Com-  
23 munications Act of 1934 (47 U.S.C. 309(j)(14)) is  
24 amended—



1 (1) in subparagraph (A), by striking “December  
2 31, 2006” and inserting “December 31, 2008”;

3 (2) by striking subparagraph (B);

4 (3) in subparagraph (C)(i)(I), by striking “or  
5 (B)”;

6 (4) in subparagraph (D), by striking “subpara-  
7 graph (C)(i)” and inserting “subparagraph (B)(i)”;  
8 and

9 (5) by redesignating subparagraphs (C) and  
10 (D) as subparagraphs (B) and (C), respectively.

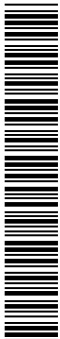
11 (b) IMPLEMENTATION.—

12 (1) DTV ALLOTMENT TABLE OF IN-CORE  
13 CHANNELS FOR FULL-POWER STATIONS.—The Fed-  
14 eral Communications Commission shall—

15 (A) release by December 31, 2006, a re-  
16 port and order in MB Docket No. 03–15 as-  
17 signing all full-power broadcast television sta-  
18 tions authorized in the digital television service  
19 a channel between channels 2 and 36, inclusive,  
20 or 38 and 51, inclusive (between frequencies 54  
21 and 698 megahertz, inclusive);

22 (B) release by July 31, 2007, any recon-  
23 sideration of such report and order; and

24 (C) not adopt any further changes between  
25 July 31, 2007, and January 1, 2009, to the

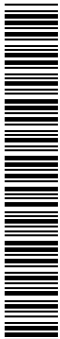


1 channels assigned to full-power broadcast tele-  
2 vision stations for the provision of digital tele-  
3 vision service unless doing so is necessary for  
4 reasons of public safety or necessary to prevent  
5 a delay in the end of broadcasting by full-power  
6 stations in the analog television service.

7 (2) STATUS REPORTS.—Beginning with a re-  
8 port on January 31, 2006, and ending with a report  
9 on July 31, 2007, the Commission shall submit re-  
10 ports to the Committee on Energy and Commerce of  
11 the House of Representatives and the Committee on  
12 Commerce, Science, and Transportation of the Sen-  
13 ate every six months on the status of international  
14 coordination with Canada and Mexico of the digital  
15 television service table of allotments.

16 (3) TERMINATIONS OF ANALOG LICENSES AND  
17 BROADCASTING.—The Federal Communications  
18 Commission shall take such actions as are necessary  
19 to terminate all licenses for full-power television sta-  
20 tions in the analog television service and to require  
21 the cessation of broadcasting by full-power stations  
22 in the analog television service by January 1, 2009.

23 (4) ADDITIONAL UNLICENSED SPECTRUM FOR  
24 WIRELESS BROADBAND.—The Commission shall,  
25 within one year after the date of enactment of this



1 Act, issue a final order in the matter of Unlicensed  
2 Operation in the TV Broadcast Bands (ET Docket  
3 No. 04–186).

4 (c) TECHNICAL AMENDMENT.—Paragraph (15) of  
5 section 309(j) of the Communications Act of 1934 (47  
6 U.S.C. 309(j)), as added by section 203(b) of the Com-  
7 mercial Spectrum Enhancement Act (P.L. 108–494; 118  
8 Stat. 3993), is redesignated as paragraph (16) of such  
9 section.

10 **SEC. 3404. AUCTION OF RECOVERED SPECTRUM.**

11 (a) DEADLINE FOR AUCTION.—Section  
12 309(j)(15)(C) of the Communications Act of 1934 (47  
13 U.S.C. 309(j)(15)(C)) is amended by adding at the end  
14 the following new clauses:

15 “(v) ADDITIONAL DEADLINES FOR RE-  
16 COVERED ANALOG SPECTRUM.—Notwith-  
17 standing subparagraph (B), the Commis-  
18 sion shall conduct the auction of the li-  
19 censes for recovered analog spectrum by  
20 commencing the bidding not later than  
21 January 7, 2008, and shall deposit the  
22 proceeds of such auction in accordance  
23 with paragraph (8)(E)(i) not later than  
24 June 30, 2008.



1 “(vi) RECOVERED ANALOG SPEC-  
2 TRUM.—For purposes of clause (v), the  
3 term ‘recovered analog spectrum’ means  
4 the spectrum between channels 52 and 69,  
5 inclusive (between frequencies 698 and 806  
6 megahertz, inclusive) reclaimed from ana-  
7 log television service broadcasting under  
8 paragraph (14), other than—

9 “(I) the spectrum required by  
10 section 337 to be made available for  
11 public safety services; and

12 “(II) the spectrum auctioned  
13 prior to the date of enactment of the  
14 Digital Television Transition Act of  
15 2005.”.

16 (b) EXTENSION OF AUCTION AUTHORITY.—Para-  
17 graph (11) of section 309(j) of such Act is repealed.

18 (c) STUDY OF AUCTION AUTHORITY.—

19 (1) INQUIRY AND STUDY REQUIRED.—Within  
20 120 days after the date of enactment of this Act, the  
21 Federal Communications Commission shall initiate  
22 an ongoing inquiry and study—

23 (A) to evaluate the participation of women,  
24 minorities, and small businesses in the auction  
25 process, including the percentage of winning



1 bidders that are women, minorities, and small  
2 businesses; and

3 (B) to assess the efforts made by the Com-  
4 mission to ensure that women, minorities, and  
5 small businesses are able to successfully partici-  
6 pate in the auction process.

7 (2) REPORT.—The Commission shall submit a  
8 report to the Congress on the results of the inquiry  
9 and study required by paragraph (1) at least bienni-  
10 ally beginning not later than one year after the date  
11 of enactment of this Act.

12 **SEC. 3405. DIGITAL TELEVISION CONVERSION FUND.**

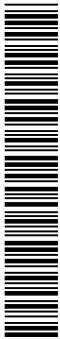
13 (a) RESERVATION OF AUCTION PROCEEDS TO ASSIST  
14 CONVERSION.—Section 309(j)(8) of the Communications  
15 Act of 1934 (47 U.S.C. 309(j)(8)) is amended—

16 (1) in subparagraph (A), by striking “subpara-  
17 graph (B) or subparagraph (D)” and inserting “sub-  
18 paragraphs (B), (D), and (E)”;

19 (2) in subparagraph (C)(i), by inserting before  
20 the semicolon at the end the following: “, except as  
21 otherwise provided in subparagraph (E)(i)”;

22 (3) by adding at the end the following new sub-  
23 paragraph:

24 “(E) TRANSFER OF REVENUES FOR DIG-  
25 ITAL TELEVISION CONVERSION.—



1 “(i) PROCEEDS FOR DTV CONVERSION  
2 FUND.—Notwithstanding subparagraph  
3 (A), of the proceeds (including deposits  
4 and upfront payments from successful bid-  
5 ders) from the use of a competitive bidding  
6 system under this subsection with respect  
7 to recovered analog spectrum—

8 “(I) \$990,000,000 shall be de-  
9 posited in a separate fund in the  
10 Treasury to be known as the ‘Digital  
11 Television Conversion Fund’, and be  
12 available exclusively to carry out sec-  
13 tion 159 of the National Tele-  
14 communications and Information Ad-  
15 ministration Organization Act;

16 “(II) \$500,000,000 shall be de-  
17 posited in a separate fund in the  
18 Treasury to be known as the ‘Public  
19 Safety Interoperable Communications  
20 Fund’, and be available exclusively to  
21 carry out section 160 of such Act;

22 “(III) \$30,000,000 shall be de-  
23 posited in a separate fund in the  
24 Treasury to be known as the ‘NYC 9/  
25 11 Digital Transition Fund’, and be



1 available exclusively to carry out sec-  
2 tion 161 of such Act;

3 “(IV) \$3,000,000 shall be depos-  
4 ited in a separate fund in the Treas-  
5 ury to be known as the ‘Low-Power  
6 Digital-to-Analog Conversion Fund’,  
7 and be available exclusively to carry  
8 out section 162 of such Act; and

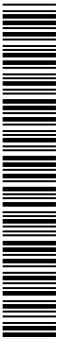
9 “(V) the remainder of such pro-  
10 ceeds shall be deposited in the Treas-  
11 ury in accordance with chapter 33 of  
12 title 31, United States Code.

13 “(ii) RECOVERED ANALOG SPEC-  
14 TRUM.—For purposes of clause (i), the  
15 term ‘recovered analog spectrum’ has the  
16 meaning provided in paragraph  
17 (15)(C)(vi).”.

18 (b) CONVERTER BOX PROGRAM.—Part C of the Na-  
19 tional Telecommunications and Information Administra-  
20 tion Organization Act is amended by adding at the end  
21 the following new section:

22 **“SEC. 159. DIGITAL-TO-ANALOG CONVERTER BOX PRO-**  
23 **GRAM.**

24 “(a) CREATION OF PROGRAM.—The Assistant  
25 Secretary—



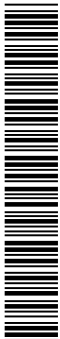
1           “(1) shall use the funds available under sub-  
2           section (d) of this section to implement and admin-  
3           ister a program through which households in the  
4           United States may obtain, upon request, up to two  
5           coupons that can be applied toward the purchase of  
6           digital-to-analog converter boxes, subject to the re-  
7           strictions in this section and the regulations created  
8           thereunder; and

9           “(2) may award one or more contracts (includ-  
10          ing a contract with another Federal agency) for the  
11          administration of some or all of the program.

12          “(b) PROGRAM SPECIFICATIONS.—

13                 “(1) FORM OF COUPON REQUEST.—The regula-  
14                 tions under this section shall prescribe the contents  
15                 of the coupon request form and the information any  
16                 household seeking a coupon shall provide on the  
17                 form. The coupon request form shall be required to  
18                 include instructions for its use and also describe, at  
19                 a minimum, the requirements and limitations of the  
20                 program, the ways in which the form and the infor-  
21                 mation the household provides will be used, and to  
22                 whom the form and the information will be dis-  
23                 closed.

24                 “(2) DISTRIBUTION OF COUPON REQUEST  
25                 FORMS.—



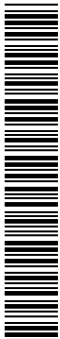
1 “(A) PAPER AND ELECTRONIC FORMS.—

2 The Assistant Secretary shall provide for the  
3 distribution of paper coupon request forms at  
4 Government buildings, including post offices.  
5 The Assistant Secretary shall provide for the  
6 availability to households of electronic coupon  
7 request forms, and may permit such forms to  
8 be submitted electronically.

9 “(B) ADDITIONAL DISTRIBUTION.—If the  
10 Assistant Secretary determines that doing so  
11 would make the program more successful and  
12 easier for consumers to participate in, paper  
13 and electronic coupon request forms shall also  
14 be distributed by such private entities as the  
15 Assistant Secretary shall specify (such as retail-  
16 ers, manufacturers, broadcasters, religious or-  
17 ganizations, and consumer groups) and shall be  
18 distributed in the manner specified by the As-  
19 sistant Secretary.

20 “(3) LIMITATIONS.—

21 “(A) TWO-PER-HOUSEHOLD MAXIMUM.—A  
22 household may obtain coupons only by making  
23 a request as required by the regulations under  
24 this section. Any request must be made between  
25 January 1, 2008, and January 31, 2009, inclu-



1           sive. The Assistant Secretary shall ensure that  
2           each requesting household receives no more  
3           than two coupons.

4           “(B) NO COMBINATIONS OF COUPONS.—  
5           Two coupons may not be used in combination  
6           toward the purchase of a single digital-to-ana-  
7           log converter box.

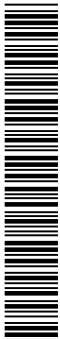
8           “(C) DURATION.—All coupons shall expire  
9           3 months after issuance.

10          “(4) DISTRIBUTION OF COUPONS.—

11               “(A) Coupons shall be distributed to re-  
12               questing households by mail and each coupon  
13               shall be issued in the name of a member of the  
14               requesting household, and shall include a  
15               unique identification number as well as any  
16               other measures the Assistant Secretary deems  
17               necessary to minimize fraud, counterfeiting, du-  
18               plication, and other unauthorized use.

19               “(B) Included on or provided with each  
20               coupon shall be, at a minimum, instructions for  
21               the coupon’s use and a description of the cou-  
22               pon’s limitations.

23               “(C) The Assistant Secretary shall expend  
24               not more than \$160,000,000 on administrative  
25               expenses and shall ensure that the sum of all



1 administrative expenses for the program and  
2 the total maximum value of all the coupons re-  
3 deemed, and issued but not expired, does not  
4 exceed \$990,000,000.

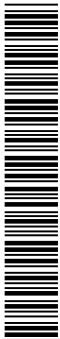
5 “(D) The Assistant Secretary may expend  
6 up to \$5,000,000 of the administrative expenses  
7 on the public outreach program required by sec-  
8 tion 330(d)(4) of the Communications Act of  
9 1934 (47 U.S.C. 330(d)(4)). Such funds may  
10 be used for grants to the Association of Public  
11 Television Stations, in partnership with non-  
12 commercial educational television broadcast sta-  
13 tions (as defined section 397(6) of the Commu-  
14 nications Act of 1934 (47 U.S.C. 397(6))) to  
15 carry out such public outreach.

16 “(5) QUALIFYING PURCHASES.—

17 “(A) QUALIFYING BOX.—The regulations  
18 shall specify methods for determining and iden-  
19 tifying the converter boxes that meet the defini-  
20 tion in subsection (g).

21 “(B) COUPON VALUE.—The value of each  
22 coupon shall be \$40.

23 “(6) REDEMPTION OF COUPONS.—No coupon  
24 shall be redeemed except upon submission of reason-  
25 able proof that the individual redeeming the coupon

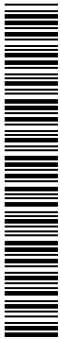


1 is the individual named on the coupon, and such ad-  
2 ditional information as is required by the regulations  
3 under this section. In the case of retail distribution  
4 of digital-to-analog converter boxes over the Internet  
5 or by telephone, submission of a valid credit card  
6 number issued in the name of the household mem-  
7 ber, the unique identification number on the coupon,  
8 the address of the household, and such other infor-  
9 mation as is required by the regulations under this  
10 section shall be reasonable proof of identity, except  
11 that the redemption of coupons over the Internet or  
12 by telephone shall be prohibited if the Assistant Sec-  
13 retary determines that such redemption would be  
14 unreasonably susceptible to fraud or other abuse.

15 “(7) RETAILER CERTIFICATION.—

16 “(A) Any retailer desiring to qualify for  
17 coupon reimbursement under this section shall,  
18 in accordance with the regulations under this  
19 section, be required to undergo a certification  
20 process to qualify for participation in the pro-  
21 gram.

22 “(B) As part of the certification process,  
23 retailers shall be informed of the program’s de-  
24 tails and their rights and obligations, including  
25 their obligations to honor all valid coupons that



1 are tendered in the authorized manner, and to  
2 keep a reasonable number of eligible converter  
3 boxes in stock.

4 “(8) COUPON REIMBURSEMENT AND RETAILER  
5 AUDITING.—

6 “(A) REIMBURSEMENT.—The regulations  
7 under this section shall establish the process by  
8 which retailers may seek and obtain reimburse-  
9 ment for the coupons, and shall include the op-  
10 tion for retailers to seek and obtain reimburse-  
11 ment electronically.

12 “(B) AUDITS.—Such regulations shall es-  
13 tablish procedures for the auditing of retailer  
14 reimbursements.

15 “(9) APPEALS.—The regulations under this sec-  
16 tion shall establish an appeals process for the review  
17 and resolution of complaints—

18 “(A) by a household alleging that—

19 “(i) the household was improperly de-  
20 nied a coupon;

21 “(ii) a valid coupon properly tendered  
22 was not honored; or

23 “(iii) the household was otherwise  
24 harmed by another violation of this section  
25 or such regulations; or

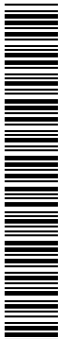


1           “(B) by a retailer of digital-to-analog con-  
2           verter boxes alleging that the retailer was im-  
3           properly denied reimbursement for a valid cou-  
4           pon properly tendered and accepted under this  
5           section or such regulations.

6           All such complaints shall be resolved within 30 days  
7           after receipt of the complaint.

8           “(10) ENFORCEMENT.—The regulations under  
9           this section shall provide for the termination of eligi-  
10          bility to participate in the program for retailers or  
11          households that engage in fraud, misrepresentation,  
12          or other misconduct in connection with the program,  
13          or that otherwise violate this section or such regula-  
14          tions.

15          “(11) PROGRESS REPORT.—Beginning with a  
16          report on March 31, 2008, and ending with a report  
17          on June 30, 2009, the Assistant Secretary shall sub-  
18          mit reports to the Committee on Energy and Com-  
19          merce of the House of Representatives and the Com-  
20          mittee on Commerce, Science, and Transportation of  
21          the Senate, every three months summarizing the  
22          progress of coupon distribution and redemption, in-  
23          cluding how many coupons are being distributed and  
24          redeemed, and how quickly.



1       “(c) PRIVACY.—The program under this section shall  
2 ensure that personally identifiable information collected in  
3 connection with the program under this section is not used  
4 or shared for any other purpose than as described in this  
5 section, except as otherwise required or authorized by law.  
6 For purposes of this subsection, the term ‘personally iden-  
7 tifiable information’ shall have the same meaning as pro-  
8 vided in section 338(i)(2).

9       “(d) AVAILABILITY OF FUNDS.—

10       “(1) IN GENERAL.—From the Digital Tele-  
11 vision Conversion Fund established by section  
12 309(j)(8)(E)(i)(I) of the Communications Act of  
13 1934, there shall be available to carry out this sec-  
14 tion such sums as may be necessary for fiscal years  
15 2008 and 2009. Any sums that remain unexpended  
16 in the Fund at the end of fiscal year 2009 shall re-  
17 vert to and be deposited in the general fund of the  
18 Treasury.

19       “(2) CREDIT.—The Assistant Secretary may  
20 borrow from the Treasury such sums as may be nec-  
21 essary not to exceed \$990,000,000 to implement and  
22 administer the program in accordance with this sec-  
23 tion. The Assistant Secretary shall reimburse the  
24 Treasury, without interest, as funds are deposited



1 into the Digital Television Conversion Fund under  
2 section 309(j)(8)(E) of such Act.

3 “(e) ENERGY STANDARDS REQUIRED.—

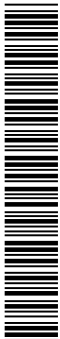
4 “(1) STANDARD.—The maximum energy con-  
5 sumption for the passive standby mode of a digital-  
6 to-analog converter box shall be no more than 9  
7 watts.

8 “(2) ENFORCEMENT.—The Secretary of Energy  
9 shall enforce the requirements of paragraph (1). Any  
10 converter box that the Secretary of Energy deter-  
11 mines is not in compliance with the requirements of  
12 paragraph (1) shall not be eligible for purchase with  
13 assistance made available under this section.

14 “(3) PREEMPTION.—No State or any political  
15 subdivision thereof may establish or enforce any law,  
16 rule, regulation, or other provision having the force  
17 of law that regulates the energy output, usage, or  
18 consumption standards for a digital-to-analog con-  
19 verter box.

20 “(f) IMPLEMENTATION.—The Secretary of Commerce  
21 shall promulgate, within 9 months after the date of enact-  
22 ment of the Digital Television Transition Act of 2005,  
23 such regulations as are necessary to carry out this section.

24 “(g) DEFINITION.—For purposes of this section:



1 “(1) DIGITAL-TO-ANALOG CONVERTER BOX.—

2 The term ‘digital-to-analog converter box’ means a  
3 stand-alone device that does not contain features or  
4 functions except those necessary to enable a con-  
5 sumer to convert any channel broadcast in the dig-  
6 ital television service into a format that the con-  
7 sumer can display on television receivers designed to  
8 receive and display signals only in the analog tele-  
9 vision service.

10 “(2) HOUSEHOLD.—The term ‘household’  
11 means the residents at a residential street or rural  
12 route address, and shall not include a post office  
13 box.

14 “(3) STANDBY PASSIVE MODE.—The term  
15 ‘standby passive mode’ means a low power state the  
16 digital-to-analog converter device enters while con-  
17 nected to a power source which fulfills not the main  
18 function but can be switched into another mode by  
19 means of an internal or external signal.”.

20 **SEC. 3406. PUBLIC SAFETY INTEROPERABLE COMMUNICA-**  
21 **TIONS FUND.**

22 Part C of the National Telecommunications and In-  
23 formation Administration Organization Act is amended by  
24 adding after section 159 (as added by section 3405(b) of  
25 this Act) the following new section:



1   **“SEC. 160. PUBLIC SAFETY INTEROPERABLE COMMUNICA-**  
2                   **TIONS FUND.**

3           “(a) PROGRAM AUTHORIZED.—From the funds avail-  
4   able under subsection (f), the Assistant Secretary shall  
5   carry out a grant program to assist public safety agencies  
6   in the acquisition of, deployment of, or training for the  
7   use of interoperable communications systems that utilize,  
8   or enable interoperability with communications systems  
9   that can utilize, reallocated public safety spectrum for  
10  radio communications.

11          “(b) TERMS AND CONDITIONS OF GRANTS.—In order  
12  to obtain a grant under this section, a public safety agency  
13  shall—

14               “(1) submit an application to the Assistant Sec-  
15   retary at such time, in such form, and containing or  
16   accompanied by such information and assurances as  
17   the Assistant Secretary shall require;

18               “(2) agree that, if awarded a grant, the public  
19   safety agency will submit annual reports to the As-  
20   sistant Secretary for the duration of the grant  
21   award period with respect to—

22                       “(A) the expenditure of grant funds; and

23                       “(B) progress toward acquiring and de-  
24   ploying interoperable communications systems  
25   funded by the grant;



1           “(3) agree to provide, from non-Federal  
2           sources, not less than 20 percent of the costs of ac-  
3           quiring and deploying the interoperable communica-  
4           tions systems acquired and deployed with funds pro-  
5           vided under this section; and

6           “(4) agree to remit to the Assistant Secretary  
7           any grant funds that remain unexpended at the end  
8           of the 3-year period of the grant.

9           “(c) DURATION OF GRANT; RECOVERY OF UNUSED  
10          FUNDS.—Grants under this section shall be awarded in  
11          the form of a single grant for a period of not more than  
12          3 years. At the end of 3 years, any grant funds that re-  
13          main unexpended shall be remitted by the grantee to the  
14          Assistant Secretary, and, subject to subsection (f)(2), may  
15          be awarded to other eligible grant recipients. At the end  
16          of fiscal year 2010, any such reawarded grant funds that  
17          remain unexpended shall be remitted by the grantee to the  
18          Assistant Secretary and may not be reawarded to other  
19          grantees.

20          “(d) OVERSIGHT OF EXPENDITURES.—The Assistant  
21          Secretary shall submit to the Committee on Commerce,  
22          Science, and Transportation of the Senate and the Com-  
23          mittee on Energy and Commerce, not later than 6 months  
24          after the first award of a grant under this section and



1 every 6 months thereafter until October 1, 2010, a  
2 report—

3 “(1) identifying, on a State-by-State basis,  
4 using the information submitted under subsection  
5 (b)(2), the results of the program, including an iden-  
6 tification, on a State-by-State basis, of—

7 “(A) the public safety agencies awarded a  
8 grant;

9 “(B) the amount of the grant;

10 “(C) the specified use for the grant; and

11 “(D) how each such grant was spent; and

12 “(2) stating the cumulative total of the amount  
13 of grants awarded, and the balance, if any, remain-  
14 ing in the Public Safety Interoperable Communica-  
15 tions Fund; and

16 “(3) in the final such report, stating the  
17 amount in the Fund that reverted to the general  
18 fund of the Treasury.

19 “(e) REGULATIONS.—The Secretary is authorized to  
20 prescribe such regulations as are necessary to carry out  
21 this section.

22 “(f) AVAILABILITY OF FUNDS.—

23 “(1) AVAILABILITY.—From the Public Safety  
24 Interoperable Communications Fund established by  
25 section 309(j)(8)(E)(i)(II) of the Communications



1 Act of 1934, there shall be available to carry out  
2 this section such sums as may be necessary for fiscal  
3 years 2008, 2009, and 2010.

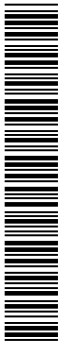
4 “(2) REVERSION.—Any sums that remain unex-  
5 pended in the Fund at the end of fiscal year 2010  
6 shall revert to and be deposited in the general fund  
7 of the Treasury.

8 “(g) DEFINITIONS.—For purposes of this section:

9 “(1) PUBLIC SAFETY AGENCY.—The term ‘pub-  
10 lic safety agency’ means any State or local govern-  
11 ment entity, or nongovernmental organization au-  
12 thorized by such entity, whose sole or principal pur-  
13 pose is to protect the safety of life, health, or prop-  
14 erty.

15 “(2) INTEROPERABLE COMMUNICATIONS SYS-  
16 TEMS.—The term ‘interoperable communications  
17 systems’ means communications systems which en-  
18 able public safety agencies to share information  
19 amongst local, State, and Federal public safety  
20 agencies in the same area via voice or data signals.

21 “(3) REALLOCATED PUBLIC SAFETY SPEC-  
22 TRUM.—The term ‘reallocated public safety spec-  
23 trum’ means the bands of spectrum located at 764  
24 -776 megahertz and 794–806 megahertz, inclusive.”.



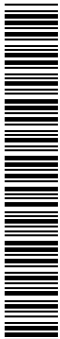
1 **SEC. 3407. NYC 9/11 DIGITAL TRANSITION FUND.**

2 Part C of the National Telecommunications and In-  
3 formation Administration Organization Act is amended by  
4 adding after section 160 (as added by section 3406 of this  
5 Act) the following new section:

6 **“SEC. 161. NYC 9/11 DIGITAL TRANSITION FUND.**

7 “(a) FUNDS AVAILABLE.—From the NYC 9/11 Dig-  
8 ital Transition Fund established by section  
9 309(j)(8)(E)(i)(III) of the Communications Act of 1934,  
10 there shall be available to carry out this section such sums  
11 as may be necessary for fiscal years 2006 through 2008.  
12 Any sums that remain unexpended in the Fund at the end  
13 of fiscal year 2008 shall revert to and be deposited in the  
14 general fund of the Treasury. The Assistant Secretary  
15 may borrow from the Treasury such sums as may be nec-  
16 essary not to exceed \$30,000,000 to implement and ad-  
17 minister the program in accordance with this section. The  
18 Assistant Secretary shall reimburse the Treasury, without  
19 interest, as funds are deposited into the NYC 9/11 Digital  
20 Transition Fund under section 309(j)(8)(E) of such Act.

21 “(b) USE OF FUNDS.—The sums available under  
22 subsection (a) shall be made available by the Assistant  
23 Secretary by grant to be used to reimburse the Metropoli-  
24 tan Television Alliance for costs incurred in the design and  
25 deployment of a temporary digital television broadcast sys-  
26 tem to ensure that, until a permanent facility atop the



1 Freedom Tower is constructed, the members of the Metro-  
2 politan Television Alliance can provide the New York City  
3 area with an adequate digital television signal as deter-  
4 mined by the Federal Communications Commission.

5 “(c) RULE OF CONSTRUCTION.—Nothing in this sec-  
6 tion shall be construed to alter or otherwise affect the Fed-  
7 eral Communications Commission’s authority with respect  
8 to licensing and interference regulation.

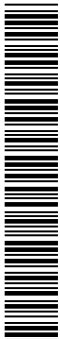
9 “(d) DEFINITIONS.—For purposes of this section:

10 “(1) The term ‘Metropolitan Television Alli-  
11 ance’ means the organization formed by New York  
12 City television broadcast station licensees to locate  
13 new shared facilities as a result of the attacks on  
14 September 11, 2001 and the loss of use of shared  
15 facilities that housed broadcast equipment.

16 “(2) The term ‘New York City area’ means the  
17 five counties comprising New York City and counties  
18 of northern New Jersey in immediate proximity to  
19 New York City (Bergen, Essex, Union and Hudson  
20 Counties) .”.

21 **SEC. 3408. LOW-POWER TELEVISION TRANSITION PROVI-**  
22 **SIONS.**

23 (a) REMOVAL AND RELOCATION.—Section 337(e) of  
24 the Communications Act of 1934 (47 U.S.C. 337(e)) is  
25 amended—



1 (1) in paragraph (1), by striking “person who”  
2 and inserting “full-power television station licensee  
3 that”;

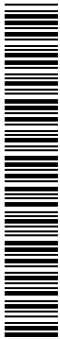
4 (2) in paragraph (2), by striking “746 mega-  
5 hertz” and inserting “698 megahertz”; and

6 (3) by adding at the end the following new  
7 paragraph:

8 “(3) CONTINUATION OF LOW-POWER BROAD-  
9 CASTING.—Subject to section 336(f) of the Commu-  
10 nications Act (47 U.S.C. 336(f)), a low-power tele-  
11 vision station, television translator station, or tele-  
12 vision booster station (as defined by Commission  
13 regulations) may operate above 698 megahertz on a  
14 secondary basis in accordance with Commission  
15 rules, including rules governing completion of the  
16 digital television service transition for low-power  
17 broadcasters.”.

18 (b) EXEMPTION FROM DEADLINE.—Section  
19 309(j)(14)(A) of such Act (47 U.S.C. 309(j)(14)(A)) is  
20 amended by by inserting “full-power” before “television  
21 broadcast license”.

22 (c) ADVANCED TELEVISION SERVICES.—Section  
23 336(f)(4) of such Act (47 U.S.C. 336(f)(4)) is amended  
24 by inserting “or other low-power station” after “television  
25 translator station” in the first sentence.

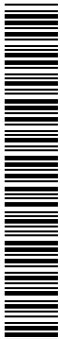


1 (d) LOW-POWER TELEVISION DIGITAL-TO-ANALOG  
2 CONVERSION.—Part C of the National Telecommuni-  
3 cations and Information Administration Organization Act  
4 is amended by adding after section 161 (as added by sec-  
5 tion 3407 of this Act) the following new section:

6 **“SEC. 162. LOW-POWER TELEVISION DIGITAL-TO-ANALOG**  
7 **CONVERSION.**

8 “(a) CREATION OF PROGRAM.—The Assistant Sec-  
9 retary shall use the funds available under subsection (d)  
10 from the Low-Power Digital-to-Analog Conversion Fund  
11 to implement and administer a program through which  
12 each eligible low-power television station may receive com-  
13 pensation toward the cost of the purchase of a digital-to-  
14 analog conversion device that enables it to convert the in-  
15 coming digital signal of its corresponding full-power tele-  
16 vision station to analog format for transmission on the  
17 low-power television station’s analog channel. An eligible  
18 low-power television station may receive such compensa-  
19 tion only if it submits a request for such compensation  
20 on or before December 31, 2008.

21 “(b) ELIGIBLE STATIONS.—For purposes of this sec-  
22 tion, an eligible low-power television station shall be a low-  
23 power television broadcast station, Class A television sta-  
24 tion, television translator station, or television booster  
25 station—



1 “(1) that is itself broadcasting exclusively in  
2 analog format; and

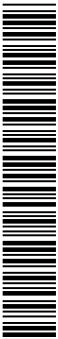
3 “(2) that has not purchased a digital-to-analog  
4 conversion device prior to enactment of this section.

5 “(c) QUALIFYING DEVICES AND AMOUNTS.—The As-  
6 sistant Secretary—

7 “(1) may determine the types of digital-to-ana-  
8 log conversion devices for which an eligible low-  
9 power broadcast television station may receive com-  
10 pensation under this section; and

11 “(2) shall determine the maximum amount of  
12 compensation such a low-power television broadcast  
13 station may receive based on the average cost of  
14 such digital-to-analog conversion devices during the  
15 time period such low-power broadcast television sta-  
16 tion purchased the digital-to-analog conversion de-  
17 vice, but in no case shall such compensation exceed  
18 \$400.

19 “(d) FUNDS AVAILABLE.—From the Low-Power  
20 Digital-to-Analog Conversion Fund established by section  
21 309(j)(8)(E)(i)(IV) of the Communications Act of 1934,  
22 there shall be available to carry out this section such sums  
23 as may be necessary for fiscal years 2008 and 2009. Any  
24 sums that remain unexpended in such Fund at the end



1 of fiscal year 2009 shall revert to and be deposited in the  
2 general fund of the Treasury.”.

3 (e) REPORT AND ORDER REQUIRED.—The Federal  
4 Communications Commission shall, not later than Decem-  
5 ber 31, 2008, issue a report and order specifying the  
6 methods and schedule by which the Commission will com-  
7 plete the digital television service transition for low-power  
8 broadcasters.

9 **SEC. 3409. CONSUMER EDUCATION REGARDING ANALOG**  
10 **TELEVISIONS.**

11 (a) COMMISSION AUTHORITY.—Section 303 of the  
12 Communications Act of 1934 (47 U.S.C. 303) is amended  
13 by adding at the end the following new subsection:

14 “(z) Require the consumer education measures speci-  
15 fied in section 330(d) in the case of apparatus designed  
16 to receive television signals that—

17 “(1) are shipped in interstate commerce or  
18 manufactured in the United States;

19 “(2) have an integrated display screen or are  
20 sold in a bundle with a display screen; and

21 “(3) are not capable of receiving broadcast sig-  
22 nals in the digital television service.”.

23 (b) CONSUMER EDUCATION REQUIREMENTS.—Sec-  
24 tion 330 of the Communications Act of 1934 (47 U.S.C.  
25 330) is amended—



1 (1) in subsection (d), by striking “sections  
2 303(s), 303(u), and 303(x)” and inserting “sub-  
3 sections (s), (u), (x), and (z) of section 303”;

4 (2) by redesignating subsection (d) as sub-  
5 section (e); and

6 (3) by inserting after subsection (c) the fol-  
7 lowing new subsection:

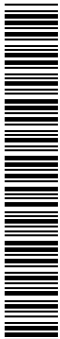
8 “(d) CONSUMER EDUCATION REGARDING ANALOG  
9 TELEVISION RECEIVERS.—

10 “(1) REQUIREMENTS FOR MANUFACTURERS.—

11 Any manufacturer of any apparatus described in  
12 section 303(z) shall—

13 “(A) place in a conspicuous place on any  
14 such apparatus that such manufacturer ships in  
15 interstate commerce or manufactures in the  
16 United States after 180 days after the date of  
17 enactment of the Digital Television Transition  
18 Act of 2005, a label containing, in clear and  
19 conspicuous print, the warning language re-  
20 quired by paragraph (3); and

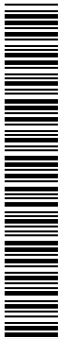
21 “(B) also include after 180 days after the  
22 date of enactment of the Digital Television  
23 Transition Act of 2005, such warning language  
24 on the outside of the retail packaging of such  
25 apparatus, in a conspicuous place and in clear



1 and conspicuous print, in a manner that cannot  
2 be removed.

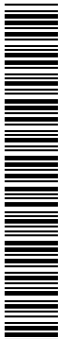
3 “(2) REQUIREMENTS FOR RETAIL DISTRIBUTU-  
4 TORS.—Any retail distributor shall place conspicu-  
5 ously in the vicinity of each apparatus described in  
6 section 303(z) that such distributor displays for sale  
7 or rent after 45 days after the date of enactment of  
8 the Digital Television Transition Act of 2005, a sign  
9 containing, in clear and conspicuous print, the warn-  
10 ing language required by paragraph (3). In the case  
11 of a retail distributor vending such apparatus via di-  
12 rect mail, catalog, or electronic means, such as dis-  
13 plays on the Internet, the warning language required  
14 by such paragraph shall be prominently displayed, in  
15 clear and conspicuous print, in the vicinity of any  
16 language describing the product.

17 “(3) WARNING LANGUAGE.—The warning lan-  
18 guage required by this paragraph shall read as fol-  
19 lows: ‘This television has only an analog broadcast  
20 tuner. After December 31, 2008, television broad-  
21 casters will broadcast only in digital format. You will  
22 then need to connect this television to a digital-to-  
23 analog converter box or cable or satellite service if  
24 you wish to receive broadcast programming. The de-  
25 vice, if any, that a cable or satellite subscriber will



1        need to connect to an analog television will depend  
2        on the cable or satellite service provider. The tele-  
3        vision should continue to work as before, however,  
4        with devices such as VCRs, digital video recorders,  
5        DVD players, and video game systems. For more in-  
6        formation, call the Federal Communications Com-  
7        mission at 1-888-225-5322 (TTY: 1-888-835-  
8        5322) or visit the Commission's website at:  
9        [www.fcc.gov](http://www.fcc.gov).'.

10        “(4) COMMISSION AND NTIA OUTREACH.—Be-  
11        ginning within one month after the date of enact-  
12        ment of the Digital Television Transition Act of  
13        2005, the Commission and the National Tele-  
14        communications and Information Administration  
15        shall engage, either jointly or separately, in a public  
16        outreach program, including the distribution of ma-  
17        terials on their web sites and in Government build-  
18        ings, such as post offices, to educate consumers re-  
19        garding the digital television transition. The Com-  
20        mission and the National Telecommunications and  
21        Information Administration may seek public com-  
22        ment in crafting their public outreach program, and  
23        may seek the assistance of private entities, such as  
24        broadcasters, manufacturers, retailers, cable and  
25        satellite operators, and consumer groups in admin-



1       istering the public outreach program. The program  
2       shall educate consumers about—

3               “(A) the deadline for termination of analog  
4       television broadcasting;

5               “(B) the options consumers have after  
6       such termination to continue to receive broad-  
7       cast programming; and

8               “(C) the converter box program under sec-  
9       tion 159 of the National Telecommunications  
10      and Information Administration Organization  
11      Act.

12      “(5) ADDITIONAL DISCLOSURES.—

13              “(A) ANNOUNCEMENTS AND NOTICES RE-  
14      QUIRED.—From January 1, 2008, through De-  
15      cember 31, 2008—

16              “(i) each television broadcaster shall  
17      air, at a minimum, two 60-second public  
18      service announcements per day, one during  
19      the 8 to 9 a.m. hour and one during the  
20      8 to 9 p.m. hour; and

21              “(ii) each multichannel video program  
22      distributor (as such term is defined in sec-  
23      tion 602 of this Act) shall include a notice  
24      in any periodic bill.



1                   “(B) CONTENTS OF ANNOUNCEMENTS AND  
2                   NOTICES.—The announcements and notices re-  
3                   quired by subparagraphs (A)(i) and (A)(ii), re-  
4                   spectively, shall state, at a minimum, that:  
5                   ‘After December 31, 2008, television broad-  
6                   casters will broadcast only in digital format.  
7                   You will then no longer be able to receive  
8                   broadcast programming on analog-only tele-  
9                   visions unless those televisions are connected to  
10                  a digital-to-analog converter box or a cable or  
11                  satellite service. The device, if any, that a cable  
12                  or satellite subscriber will need to connect to an  
13                  analog television will depend on the cable or  
14                  satellite service provider. Analog-only televisions  
15                  should continue to work as before, however,  
16                  with devices such as VCRs, digital video record-  
17                  ers, DVD players, and video game systems. You  
18                  may be eligible for up to two coupons toward  
19                  the purchase of up to two converter-boxes. For  
20                  more information, call the Federal Communica-  
21                  tions Commission at 1-888-225-5322 (TTY:  
22                  1-888-835-5322) or visit the Commission’s  
23                  website at: [www.fcc.gov](http://www.fcc.gov).’

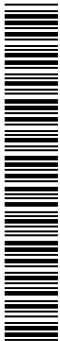
24                  “(6) REPORT REQUIRED.—Beginning January  
25                  31, 2006, and ending July 31, 2008, the Commis-



1 sion and the National Telecommunications and In-  
2 formation Administration, either jointly or sepa-  
3 rately, shall submit reports every six months to the  
4 Committee on Energy and Commerce of the House  
5 of Representatives and the Committee on Commerce,  
6 Science, and Transportation of the Senate, on the  
7 Commission's and such Administration's consumer  
8 education efforts, as well as the consumer education  
9 efforts of broadcasters, cable and satellite operators,  
10 consumer electronics manufacturers, retailers, and  
11 consumer groups. The Commission and such Admin-  
12 istration may solicit public comment in preparing  
13 their reports.”.

14 (c) PRESERVING AND EXPEDITING TUNER MAN-  
15 DATES.—The Federal Communications Commission—

16 (1) shall, within 30 days after the date of en-  
17 actment of this Act revise the digital television re-  
18 ception capability implementation schedule under  
19 section 15.117(i) of its regulations (47 CFR  
20 15.117(i)) to require, in the case of television recep-  
21 tion devices that have, or are sold in a bundle with,  
22 display screens sized 13 to 24 inches, inclusive, that  
23 100 percent of all such units must include digital  
24 television tuners effective March 1, 2007; and



1           (2) shall not make any other changes that ex-  
2           tend or otherwise delay the digital television recep-  
3           tion capability implementation schedule for television  
4           reception devices that have, or are sold in a bundle  
5           with, display screens.

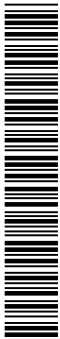
6   **SEC. 3410. ADDITIONAL PROVISIONS.**

7           (a)   DIGITAL-TO-ANALOG   CONVERSION.—Section  
8   614(b) of the Communications Act of 1934 (47 U.S.C.  
9   534(b)) is amended by adding at the end the following  
10   new paragraphs:

11           “(11) CARRIAGE OF DIGITAL FORMATS.—

12                   “(A) PRIMARY VIDEO STREAM.—With re-  
13           spect to any television station that is transmit-  
14           ting broadcast programming exclusively in the  
15           digital television service in a local market, a  
16           cable operator of a cable system in that market  
17           shall carry the station’s primary video stream  
18           and program-related material in the digital for-  
19           mat transmitted by that station, without mate-  
20           rial degradation, if the licensee for that  
21           station—

22                   “(i) relies on this section or section  
23           615 to obtain carriage of the primary video  
24           stream and program-related material on  
25           that cable system in that market; and



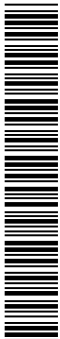
1 “(ii) permits the cable system to carry  
2 without compensation any other program-  
3 ming broadcast by that station that is car-  
4 ried on that system.

5 “(B) MULTIPLE FORMATS PERMITTED.—A  
6 cable operator of a cable system may offer the  
7 primary video stream and program-related ma-  
8 terial of a local television station described in  
9 subparagraph (A) in any analog or digital for-  
10 mat or formats, whether or not doing so re-  
11 quires conversion from the format transmitted  
12 by the local television station, so long as—

13 “(i) the cable operator offers the pri-  
14 mary video stream and program-related  
15 material in the converted analog or digital  
16 format or formats without material deg-  
17 radation; and

18 “(ii) also offers the primary video  
19 stream and program-related material in  
20 the manner or manners required by this  
21 paragraph.

22 “(C) TRANSITIONAL CONVERSIONS.—Not-  
23 withstanding the requirement in subparagraph  
24 (A) to carry the primary video stream and pro-  
25 gram-related material in the digital format



1 transmitted by the local television station, but  
2 subject to the prohibition on material degrada-  
3 tion, until January 1, 2014—

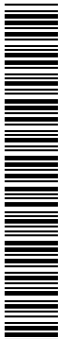
4 “(i) a cable operator—

5 “(I) shall offer the primary video  
6 stream and program-related material  
7 in the format or formats necessary for  
8 such stream and material to be  
9 viewable on analog and digital tele-  
10 visions; and

11 “(II) may convert the primary  
12 video stream and program-related ma-  
13 terial to standard-definition digital  
14 format in lieu of offering it in the dig-  
15 ital format transmitted by the local  
16 television station;

17 “(ii) notwithstanding clause (i), a  
18 cable operator of a cable system with an  
19 activated capacity of 550 megahertz or  
20 less—

21 “(I) shall offer the primary video  
22 stream and program-related material  
23 of the local television station described  
24 in subparagraph (A), converted to an  
25 analog format; and



1                   “(II) may, but shall not be re-  
2                   quired to, offer the primary video  
3                   stream and program-related material  
4                   in any digital format or formats.

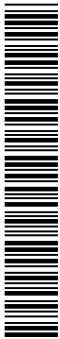
5                   “(D) LOCATION AND METHOD OF CONVER-  
6                   SION.—

7                   “(i) A cable operator of a cable sys-  
8                   tem may perform any conversion permitted  
9                   or required by this paragraph at any loca-  
10                  tion, from the cable head-end to the cus-  
11                  tomer premises, inclusive.

12                  “(ii) Notwithstanding any other provi-  
13                  sion of this Act other than the prohibition  
14                  on material degradation, a cable operator  
15                  may use switched digital video technology  
16                  to accomplish any conversion or trans-  
17                  mission permitted or required by this para-  
18                  graph.

19                  “(E) CONVERSIONS NOT TREATED AS DEG-  
20                  RADATION.—Any conversion permitted or re-  
21                  quired by this paragraph shall not, by itself, be  
22                  treated as a material degradation.

23                  “(F) CARRIAGE OF PROGRAM-RELATED  
24                  MATERIAL.—The obligation to carry program-



1 related material under this paragraph is effective only to the extent technically feasible.

3 “(G) DEFINITION OF STANDARD-DEFINITION FORMAT.—For purposes of this paragraph, a stream shall be in standard definition digital format if such stream meets the criteria for such format as specified in the standard recognized by the Commission in section 73.682 of its rules (47 CFR 73.682) or a successor regulation.”.

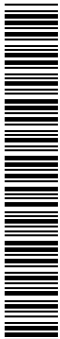
11 (b) TIERING.—Clause (iii) of section 623(b)(7)(A) of  
12 such Act (47 U.S.C. 543(b)(7)(A)(iii)) is amended to read  
13 as follows:

14 “(iii) Both of the following signals:

15 “(I) the primary video stream  
16 and program-related material of any  
17 television broadcast station that is  
18 provided by the cable operator to any  
19 subscriber in an analog format, and

20 “(II) the primary video stream  
21 and program-related material—

22 “(aa) of any television  
23 broadcast station that is transmitting exclusively in digital format, and  
24  
25



1 “(bb) that is provided by the  
2 cable operator to any subscriber  
3 in a digital format,  
4 but excluding a signal that is secondarily  
5 transmitted by a satellite carrier beyond  
6 the local service area of such station.”.

7 (c) COMPARABLE TREATMENT OF SATELLITE CAR-  
8 RIERS.—Section 338 of the Communications Act of 1934  
9 (47 U.S.C. 338) is amended—

10 (1) by adding at the end the following new sub-  
11 section:

12 “(l) SPECIFIC CARRIAGE OBLIGATIONS AFTER DIG-  
13 ITAL TRANSITION.—

14 “(1) CARRIAGE OF DIGITAL FORMATS.—With  
15 respect to any television station that requests car-  
16 riage under this section and that is transmitting  
17 broadcast programming exclusively in the digital tel-  
18 evision service in a local market in the contiguous  
19 United States (hereafter in this paragraph referred  
20 to as an eligible requesting station), a satellite car-  
21 rier carrying the digital signal of any other local tel-  
22 evision station in that local market shall carry the  
23 eligible requesting station’s primary video stream  
24 and program-related material, without material deg-



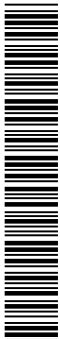
1        radiation, if the licensee for that eligible requesting  
2        station—

3                “(A) relies on this section to obtain car-  
4        riage of the primary video stream and program-  
5        related material by that satellite carrier in that  
6        market; and

7                “(B) permits the satellite carrier to carry  
8        without compensation any other programming  
9        broadcast by that local station that is carried  
10       on that system.

11               “(2)    FORMATTING    OF    PRIMARY    VIDEO  
12       STREAM.—A satellite carrier must offer the primary  
13       video stream and program-related material of an eli-  
14       gible requesting station in the digital format trans-  
15       mitted by the station if the satellite carrier carries  
16       the primary video stream of any other local tele-  
17       vision station in that local market in the same dig-  
18       ital format.

19               “(3) MULTIPLE FORMATS PERMITTED.—A sat-  
20       ellite carrier may offer the primary video stream and  
21       program-related material of an eligible requesting  
22       station in any analog or digital format or formats,  
23       whether or not doing so requires conversion from the  
24       format transmitted by that eligible requesting sta-  
25       tion, so long as—



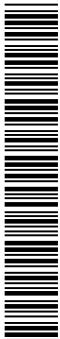
1 “(A) the satellite carrier offers the primary  
2 video stream and program-related material in  
3 the converted analog or digital format or for-  
4 mats without material degradation; and

5 “(B) also offers the primary video stream  
6 and program-related material in the manner or  
7 manners required by this subsection.

8 “(4) TRANSITIONAL CONVERSIONS.—Notwith-  
9 standing any requirement in paragraphs (1) and (2)  
10 to carry the primary video stream and program-re-  
11 lated material in the digital format transmitted by  
12 the local television station, but subject to the prohi-  
13 bition on material degradation, until January 1,  
14 2014, a satellite carrier—

15 “(A) shall offer the primary video stream  
16 and program-related material of any local tele-  
17 vision broadcast station required to be carried  
18 under paragraph (1) in the format necessary  
19 for such stream to be viewable on analog and  
20 digital televisions; and

21 “(B) may convert the primary video  
22 stream and program-related material to stand-  
23 ard-definition format in lieu of offering it in the  
24 digital format transmitted by the local television  
25 station.



1           “(5) LOCATION AND METHOD OF CONVER-  
2           SION.—A satellite carrier may perform any conver-  
3           sion permitted or required by this subsection at any  
4           location, from the local receive facility to the cus-  
5           tomer premises, inclusive.

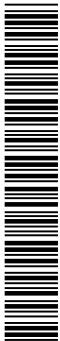
6           “(6) CONVERSIONS NOT TREATED AS DEGRADA-  
7           TION.—Any conversion permitted or required by this  
8           subsection shall not, by itself, be treated as a mate-  
9           rial degradation.

10          “(7) CARRIAGE OF PROGRAM-RELATED MATE-  
11          RIAL.—The obligation to carry program-related ma-  
12          terial under this subsection is effective only to the  
13          extent technically feasible.

14          “(8) DEFINITION OF STANDARD-DEFINITION  
15          FORMAT.—For purposes of this subsection, a stream  
16          shall be in standard definition digital format if such  
17          stream meets the criteria for such format as speci-  
18          fied in the standard recognized by the Commission  
19          in section 73.682 of its rules (47 CFR 73.682) or  
20          a successor regulation.”;

21                 (2) in subsection (b)(1), by striking “subsection  
22                 (a)” and inserting “subsection (a) or (l)”;

23                 (3) in subsection (c)(1), by striking “subsection  
24                 (a)(1)” and inserting “subsections (a)(1) and (l)”;  
25                 and



1 (4) in subsection (c)(2), by striking “subsection  
2 (a)” and inserting “subsections (a) and (l)”.

3 (d) DEADLINE.—The Federal Communications Com-  
4 mission shall revise its regulations to implement the  
5 amendments made by this section within one year after  
6 the date of enactment of this Act.

7 **SEC. 3411. DEPLOYMENT OF BROADBAND WIRELESS TECH-**  
8 **NOLOGIES.**

9 Not later than 45 days after the effective date of this  
10 Act, the Federal Communications Commission shall ini-  
11 tiate a rulemaking to assess the necessity of rechannel-  
12 izing the spectrum located between 767–773 megahertz  
13 and 797–803 megahertz to accommodate broadband appli-  
14 cations. Such rulemaking shall be completed within 180  
15 days.

16 **SEC. 3412. SENSE OF CONGRESS.**

17 (a) FINDINGS.—The Congress finds the following:

18 (1) The wireless communications industry in  
19 the United States is becoming increasingly con-  
20 centrated: there are currently no ownership limita-  
21 tions on wireless companies, and the five largest  
22 wireless carriers in the United States control nearly  
23 90 percent of United States wireless subscribership.

24 (2) Over 90 percent of households receive their  
25 broadband services through either cable or digital

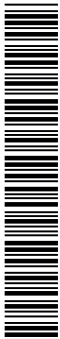


1 subscriber line (DSL) service, and most cable and  
2 DSL providers are heavily concentrated within their  
3 geographic markets.

4 (3) Under the Omnibus Budget and Reconcili-  
5 ation Act of 1993, Congress tasked the Federal  
6 Communications Commission to promote economic  
7 opportunity by disseminating wireless communica-  
8 tions licenses among a wide variety of applicants, in-  
9 cluding small businesses and rural telephone compa-  
10 nies.

11 (4) Upcoming auctions for the returned analog  
12 broadcast spectrum in the 700 megahertz band that  
13 will be cleared following the transition from analog  
14 to digital broadcast television and Advanced Wireless  
15 Services (AWS) in the 1710–1755 megahertz and  
16 2110–2155 megahertz bands will likely be the last  
17 reallocation opportunities for commercial wireless  
18 communications services and wireless broadband  
19 services in the foreseeable future.

20 (5) In the near term, wireless broadband pre-  
21 sents the most promising opportunity to provide a  
22 third option (other than cable modem or DSL serv-  
23 ice) for broadband Internet access for most con-  
24 sumers, and the spectrum in the 700 megahertz  
25 band is considered “beachfront” property by tele-



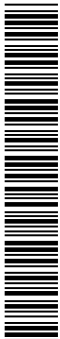
1       communications carriers because wireless signals at  
2       this frequency range pass easily through buildings,  
3       trees, and other interference.

4           (6) The 700 megahertz band offers a historic  
5       opportunity to provide the equivalent of a “third  
6       wire” into the home – an alternative to telephone or  
7       cable broadband access that will create new competi-  
8       tion and incentives for new entrants, innovation, and  
9       broader service offerings.

10       (b) SENSE OF THE CONGRESS.—It is the sense of  
11      the Congress that the Federal Communications Commis-  
12      sion should disseminate wireless communications licenses  
13      consistent with the findings in subsection (a) and do so  
14      utilizing its existing authority under section 309(j) of the  
15      Communications Act of 1934, which requires the Commis-  
16      sion to promote the following objectives:

17           (1) the development and rapid deployment of  
18       new technologies, products, and services for the ben-  
19       efit of the public, including those residing in rural  
20       areas, without administrative or judicial delays;

21           (2) promoting economic opportunity and com-  
22       petition and ensuring that new and innovative tech-  
23       nologies are readily accessible to the American peo-  
24       ple by avoiding excessive concentration of licenses  
25       and by disseminating licenses among a wide variety



1 of applicants, including small businesses and rural  
2 telephone companies;

3 (3) recovery for the public of a portion of the  
4 value of the public spectrum resource made available  
5 for commercial use and avoidance of unjust enrich-  
6 ment through the methods employed to award uses  
7 of that resource; and

8 (4) efficient and intensive use of the electro-  
9 magnetic spectrum.

10 **SEC. 3413. BAND PLAN REVISION REQUIRED.**

11 (a) PROCEEDING REQUIRED.—The Federal Commu-  
12 nications Commission shall commence a proceeding no  
13 later than June 1, 2006, to reevaluate the band plan for  
14 the auction of the unauctioned portions of the lower 700  
15 megahertz band (currently designated as Blocks A, B, and  
16 E).

17 (b) RECONFIGURATION REQUIRED.—The Federal  
18 Communications Commission shall reconfigure the band  
19 plan to license spectrum for Block B of such portion ac-  
20 cording to Cellular Market Areas (i.e., Metropolitan Sta-  
21 tistical Areas (“MSAs”) and Rural Service Areas  
22 (“RSAs”)) to facilitate the offering of competitive wireless  
23 services by regional and smaller wireless carriers.

